



# **ORDINARY COUNCIL**

## **PUBLIC MINUTES**

**TUESDAY 24 SEPTEMBER 2019 AT 1.03PM**

**Council Members >>**

The Mayor, Councillor Jenny Hill  
Councillor Russ Cook  
Councillor Verena Coombe  
Councillor Colleen Doyle  
Councillor Ann-Maree Greaney  
Councillor Paul Jacob  
Councillor Mark Molachino  
Councillor Kurt Rehbein  
Councillor Margie Ryder  
Councillor Maurie Soars  
Councillor Les Walker

At this meeting contributions made by members of the public may be recorded by way of audio recording which will be used for the purpose of developing minutes of the meeting and decision making of Council. Townsville City Council is bound by the Information Privacy Act 2009 to protect the privacy of personal information.

Under Local Law 1 Section 35(3) a person must not make an audio or video recording of a local government meeting, a standing committee meeting, a special committee meeting or an advisory committee meeting unless the chairperson at the meeting gives consent in writing to the recording of the meeting.

Further information may be found on Council's website at [www.townsville.qld.gov.au](http://www.townsville.qld.gov.au).

## Goals and Objectives that identify strategic intent of Townsville City Council >>

### Corporate Plan >>

---

- Goal 1 -** A Prosperous City - Deliver a strong and innovative economy for Townsville with sustainable growth and support for local jobs and businesses.
- Goal 2 -** A City for People - Enhance people's experience of Townsville as a liveable and vibrant city by providing services that support the growth of an inclusive, knowledgeable, active, resilient, safe and healthy community.
- Goal 3 -** A Clean and Green City - Create a sustainable future for Townsville through the protection, maintenance and enhancement of our unique, natural and built environment.
- Goal 4 -** A Smarter, Faster, Better Council - Ensure the Townsville City Council remains a smarter, faster and better Council that is easy to work with, and for, and gains community trust by being transparent and managing its resources well.

### Objectives >>

---

#### Goal 1 - A Prosperous City

- 1.1 Support local businesses, major industries, local innovation and employment growth.
- 1.2 Activate economic and geographic strengths and market Townsville as a vibrant and smart destination for commerce, education, research, tourism, entertainment and lifestyle.
- 1.3 Plan, support, provide and advocate for infrastructure and investment that supports innovation, residential and economic growth.
- 1.4 Maximize opportunities for economic growth by building and maintaining effective partnerships.

#### Goal 2 - A City for People

- 2.1 Provide services and local infrastructure that meet community expectations, support growth, build resilience and provide for the needs of our community.
- 2.2 Improve the liveability of Townsville and encourage active and healthy lifestyles by providing accessible public facilities, community infrastructure and creating placemaking activities.
- 2.3 Improve the vibrancy of Townsville by supporting the community's access to, and participation in, a range of artistic, cultural and entertainment activities.
- 2.4 Enhance community knowledge of and access to Council services to improve community wellbeing, health and safety.

#### Goal 3 - A Clean and Green City

- 3.1 Plan, design and deliver sustainable development and support this by actively managing the natural environment and increasing green infrastructure, at a city, suburb and place level.
- 3.2 Develop and implement long term waste and water security solutions that are socially, financially and environmentally sound.

#### Goal 4 - A Smarter, Faster, Better Council

- 4.1 Provide customer-focused services that enhance the customer experience and meet the expectations of our community in a dynamic and adaptive manner.
- 4.2 Ensure that Council's plans, services, decisions and priorities reflect the needs and expectations of the community.
- 4.3 Ensure that public funds are expended efficiently and that Council expenditure represents value for money whilst supporting the local economy.
- 4.4 Be a valued and committed employer who provides a productive, inclusive and respectful environment for staff and the community.
- 4.5 Improve financial sustainability and provide value and accountability to the community for the expenditure of public funds.

### ACKNOWLEDGEMENT OF COUNTRY

The Townsville City Council would like to acknowledge the traditional owners and custodians of Townsville – the Wulgurukaba of Gurambilbarra and Yunbenun; and Bindal people. We pay our respect to their cultures, their ancestors and their elders, past and present, and all future generations.

# MINUTES

Page

## Committee Items

### Infrastructure Services Committee

- |   |  |       |
|---|--|-------|
| 1 | Infrastructure Planning, Assets and Fleet - Permanent Road Closure - Part of Ponderosa Road  | 10738 |
| 2 | CONFIDENTIAL REPORT Infrastructure Planning, Assets and Fleet TOW00134 Provision of Security Services  | 10739 |
| 3 | CONFIDENTIAL REPORT - Infrastructure and Operations - Central Park Boardwalk - Procurement Strategy  | 10740 |
| 4 | CONFIDENTIAL REPORT Construction, Maintenance and Operations Alternate arrangements for delivery of Park and Open Space maintenance services in the South-West Section | 10740 |

### Planning and Development Committee

- |    |   |       |
|----|---|-------|
| 5  | Planning - New Appeal No. 139 of 2019 JSFNQ1 Pty Ltd v Townsville City Council, 2 McIlwraith Street, South Townsville                                       | 10742 |
| 6  | PE&CS - Planning Services - Land Use and Urban Design - Townsville City Plan - Development manual planning scheme policy review - Amendment Package 2019/01 | 10743 |
| 7  | Planning - Outcome of Appeal No. 257 of 2018, Brown v TCC, 42 Blackview Avenue, Black River   | 10743 |
| 8  | MCU19/0054, RAL19/0040, DBW19/0012 - Report - Council Report and Conditions - 70 The Strand, North Ward   | 10744 |
| 9  | Planning - Council Report - Planning Services Update  | 10769 |
| 10 | Planning Services - New Appeal, Ronmar Rural Pty Ltd v TCC, No 77 of 2019, 7 - 11 Heath Road and 812 and 840 Flinders Highway, Oak Valley                   | 10770 |

### Community and Cultural Development Committee

- |    |   |       |
|----|---|-------|
| 11 | Planning Environmental and Cultural Services - Minutes of Art Acquisition Working Group 6 August 2019 | 10771 |
| 12 | Community Development Townsville City Grants and Partnerships Report Grant Value Under \$5,000        | 10771 |

### Governance and Finance Committee

- |    |  |       |
|----|--|-------|
| 13 | Legal Services - Governance Framework                              | 10773 |
| 14 | Finance Services - Budget Variance Report - July 2019              | 10773 |
| 15 | Finance Services - Treasury Report - July 2019                     | 10774 |
| 16 | Finance Services - Performance Management Report Quarter 4 2018-19 | 10774 |

## **Officers' Reports**

### **Infrastructure and Operations**

17 Townsville Water and Waste - Customer and Business Reporting - Quarter 4 2018/19 10775

### **Planning, Environmental and Cultural Services**

18 MCU19/0054, RAL19/0040, DBW19/0012 - Report - Council Report and Conditions - 70 The Strand, North Ward 10776

### **General Business**

- (i) Nik Mitchell - Selected in under 16 Australian team for Rugby Union 10801
- (ii) Kirwan State High School Bears - National Rugby League School Boys Cup national title 10801
- (iii) Invitation to Councillor L Walker - Australia New Zealand Trade Mission to China (AITA) 10801
- (iv) Mel Holland 10801

<b>REPORT</b>	<b>COUNCIL MEETING</b>
<b>DATE</b>	<b>Tuesday 24 September 2019 at 1.03pm</b>
<b>ITEMS</b>	<b>1 TO 18</b>
<b>PRESENT</b>	Councillor L Walker, Acting Chair Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor P Jacob Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars

### **Opening of meeting and announcement of visitors**

The Acting Chair, Councillor L Walker opened the meeting at 1.03pm.

### **Acknowledgement to Country**

The Acting Chair acknowledged the traditional owners and custodians of Townsville - the Wulgurukaba of Gurambilbarra and Yunbenun; and Bindal people, and paid respect to their cultures, their ancestors and their elders, past and present, and all future generations.

### **Prayer**

Reverend Barry Cox of the Uniting Church delivered the opening prayer.

### **Apologies and requests for leave of absence**

Councillor M Ryder requested leave of absence for the period 12 to 20 October 2019;  
Councillor A Greaney requested leave of absence for the period 10 to 14 October 2019;  
Councillor M Soars requested leave of absence for the period 27 September to 11 October 2019;  
Councillor P Jacob requested leave of absence for the period 1 to 28 October 2019; and  
Councillor L Walker requested leave of absence for the period 4 to 7 October 2019.

**It was MOVED by Councillor A Greaney, SECONDED by Councillor R Cook:**

- "1. that the apology from the Mayor, Councillor J Hill be received and that for the purposes of Section 162(1)(e) of the *Local Government Act 2009*, the Mayor, Councillor J Hill be granted leave of absence from this meeting;
2. that leave of absence be approved as follows:  
  
Councillor M Ryder - 12 to 20 October 2019;  
Councillor A Greaney - 10 to 14 October 2019;  
Councillor M Soars - 27 September to 11 October 2019;  
Councillor P Jacob - 1 to 28 October 2019; and  
Councillor L Walker - 4 to 7 October 2019."

**CARRIED UNANIMOUSLY**

### **Confirmation of minutes of previous meeting**

**It was MOVED by Councillor M Molachino, SECONDED by Councillor A Greaney:**

"that the minutes of the Ordinary Council meeting of 27 August 2019 be confirmed."

**CARRIED UNANIMOUSLY**

### **Disclosure of interests**

**Following recent changes to the *Local Government Act 2009* the Chief Legal Officer reminded Councillors of their obligations for disclosing conflicts of interests and material personal interests for items on the agenda.**

- (i) Planning and Development Committee, Item 8 and Officers' Reports, item 18 - Perceived conflict of interest - Councillors L Walker, R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars - A third party submitter, Knight Frank Townsville, donated \$990 (on 19 April 2016) to the Team Jenny Hill election campaign (declared on the Team Jenny Hill ECQ disclosures on the ECQ website).
- (ii) Infrastructure Services Committee - Perceived conflict of interest - Item 2 - Councillor P Jacob - Councillor Jacob received hospitality from one of the submitters.

### **Correspondence**

There was no correspondence.

### **Petitions**

There were no petitions.

## **Deputations**

There were no deputations.

## **Notices of motion**

There were no notices of motion.

## **Presentations**

### **(i) Yellow Crazy Ants**

Andrew Cox, CEO, invasive species council and Bev Job, Townsville-based Yellow Crazy Ant Community Taskforce Coordinator provided a presentation on Yellow Crazy Ants.

### **(ii) Recovery Update - Natural Environment**

The General Manager Environmental Services provided a presentation on the recovery update with regards to the natural environment.

### **(iii) Planning Services Update**

The Team Manager Planning Services provided a presentation on the Planning Services update.

### **(iv) Year in Review - Water Security Package**

The Program Director - Water Security provided a presentation on the 3-point water security solution, one year on.

## **Mayoral Minute**

There were no Mayoral Minutes.



## Committee Items

### Infrastructure Services Committee

***In accordance with section 175E of the Local Government Act 2009, Councillor P Jacob declared a perceived conflict of interest in regards to item 2.***

- (a) the name of the Councillor who has a real conflict of interest or perceived conflict of interest in the matter;***  
*Councillor P Jacob.*
- (b) the Councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the Councillor;***  
*Councillor Jacob received hospitality from one of the submitters.*
- (c) the decisions made under section 175E (4) and the reasons for the decisions;***  
*Councillor P Jacob vacated the meeting for item 2.*
- (d) whether the Councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;***  
*Councillor P Jacob vacated the meeting for item 2.*
- (e) if the Councillor voted on the matter—how the Councillor voted on the matter;***  
*Councillor P Jacob did not vote on the matter.*
- (f) how the majority of Councillors who were entitled to vote at the meeting voted on the matter.***  
*The majority of persons entitled to vote at the meeting voted to adopt the officer's recommendation.*

***It was MOVED by Councillor M Molachino, SECONDED by Councillor M Soars:***

- "1. that the committee recommendations to items 1, 3 and 4 be adopted; and*
- 2. that item 2 be dealt with separately."*

**CARRIED UNANIMOUSLY**

*Item 2 - CONFIDENTIAL REPORT Infrastructure Planning, Assets and Fleet TOW00134 Provision of Security Services*

***It was MOVED by Councillor M Molachino, SECONDED by Councillor M Soars:***

*"that the committee recommendation to item 2 be adopted."*

**CARRIED UNANIMOUSLY**

### **1 Infrastructure Planning, Assets and Fleet - Permanent Road Closure - Part of Ponderosa Road**

#### **Executive Summary**

The Department of Natural Resources and Mines - State Land Asset Management Unit have requested, on behalf of an applicant, Council to consider the permanent closure of a section of Ponderosa Road reserve approximately 6950 m2 with a width of 30 metres, dividing Lot 1 on MPH21788 (22 Caleo Road, Mutarnee).

This report outlines the investigation into the request and Council's recommendation.

### **Officer's Recommendation**

That Council advise the Department of Natural Resources, Mines and Energy – State Land Use Asset Management Unit that it offers no objection to the permanent road closure and sale of the part of Ponderosa Road reserve that divides Lot 1 on MPH21788 subject to the area not being created as a separate lot but consolidated into the adjoining property.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## **2 CONFIDENTIAL REPORT Infrastructure Planning, Assets and Fleet TOW00134 Provision of Security Services**

### **Executive Summary**

Council sought tenders from suitable qualified and experienced Service Providers for the provision of security services defined in TOW00134. The contract is to be let across two (2) packages. Package 1 (PSA00103) is CCTV monitoring, Community Response Patrol, After Hour Services and Riverway Patrol Services and package 2 (RPS00090) is a panel of providers for event and static security services.

The contract will comprise of both Schedule work (fixed work) and Non-Scheduled work (variable work) which is provided on a unit rate basis. The proposed contract is for a three (3) year period with the optional provision for Council to offer extensions on a one (1) year plus one (1) year basis.

Invitations were made by public advertising and submissions closed on 3 July 2019 at 10:00am. Eleven (11) submissions were received for PSA00103 package 1 and nine (9) submission for RPS00090 package 2. All submissions for both packages 1 and 2 were deemed by the panel as conforming.

### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remains confidential unless Council decides otherwise by resolution.
2. That the recommendations in the report attached to the Report to Council be submitted to Council for endorsement.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes where Council resolved that the committee recommendation be adopted.**

### **3 CONFIDENTIAL REPORT - Infrastructure and Operations - Central Park Boardwalk - Procurement Strategy**

#### **Executive Summary**

The new Townsville Stadium will open in late February 2020 and Council is currently providing relevant infrastructure outside the Stadiums boundary to provide public access to the stadium and future projects, such as the Double Tree Hilton and the Cowboys Centre of Excellence. Works include roads, drainage footpath and boardwalks, which will provide access to the stadium from various directions for each event. In Council's 2019/20 capital budget there is a project allocation to construct a boardwalk from Victoria Bridge to Stanley Street providing pedestrian access from the City and Palmer Street.

To ensure an effective procurement process to deliver the above arrangements without delays, Council proposes to tender the boardwalk as a design and construct package. Due to the Stadium opening timeframes, this project needs to be tendered now to ensure its successful delivery.

#### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council approve the award "Central Park Boardwalk" be referred to the Chief Executive Officer for approval.

#### **Committee Recommendation**

That Council call a Special Council meeting for 7 October 2019 to determine this tender.

#### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes where Council resolved that the committee recommendation be adopted.**

### **4 CONFIDENTIAL REPORT Construction, Maintenance and Operations Alternate arrangements for delivery of Park and Open Space maintenance services in the South-West Section**

#### **Executive Summary**

The Park and Open Space Contract TOW00065 is for the delivery of parks and garden maintenance services, such as mowing, hedging, trimming, debris removal and irrigation management in the South-West Section of the city – approximately 20% of our total area. The contract commenced in October 2017 for an initial two year period, with options for two twelve month extensions (ie four years in total). The initial two year period of the contract will expire on 30 September 2019.

On the 13 August 2019, the Infrastructure Committee endorsed a recommendation that the options for contract extension beyond the initial two year period not be taken up. They further endorsed the proposed alternative arrangements for delivering the parks and garden maintenance services to the South-West section of the city for the following two years to ensure effective services for residents.

This report sets out the proposed alternative arrangements.

### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council approve the alternative arrangements outlined in this report to ensure ongoing open space maintenance service provision within the South-West Section of the city.

### **Committee Recommendation**

1. That the officer's recommendation be adopted subject to the FTE position costs.
2. That the Team Manager Parks Open Space and Environment check the FTE position costs.

### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## Planning and Development Committee

*In accordance with section 175E of the Local Government Act 2009, Councillors L Walker, R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars declared a perceived conflict of interest in regards to items 8 (and 18).*

- (a) the name of the Councillor who has a real conflict of interest or perceived conflict of interest in the matter;**  
*Councillors L Walker, R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars.*
- (b) the Councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the Councillor;**  
*A third party submitter, Knight Frank Townsville, donated \$990 (on 19 April 2016) to the Team Jenny Hill election campaign (declared on the Team Jenny Hill ECQ disclosures on the ECQ website).*
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**  
*This item was referred to the Chief Executive Officer.*
- (d) whether the Councillor participated in the meeting, or was present during the meeting, under an approval under section 175F ;**  
*This item was referred to the Chief Executive Officer.*
- (e) if the Councillor voted on the matter—how the Councillor voted on the matter;**  
*This item was referred to the Chief Executive Officer.*
- (f) how the majority of Councillors who were entitled to vote at the meeting voted on the matter.**  
*This item was referred to the Chief Executive Officer.*

**It was MOVED by Councillor M Soars, SECONDED by Councillor A Greaney:**

*"that the committee recommendations to items 5 to 7, 9 and 10 be adopted."*

**CARRIED UNANIMOUSLY**

*For item 8 - MCU19/0054, RAL19/0040, DBW19/0012 - Report - Council Report and conditions - 70 The Strand, North Ward, refer to item 18.*

## **5 Planning - New Appeal No. 139 of 2019 JSFNQ1 Pty Ltd v Townsville City Council, 2 McIlwraith Street, South Townsville**

### **Executive Summary**

An appeal was filed in the Planning and Environment Court on 1 August 2019 against a decision made on 4 July 2019 to refuse a development application for a development permit for a Material Change of Use for Services Station and Food and Drink Outlet on land situated at 2 McIlwraith Street, South Townsville.

The applicant is seeking an order from the Court that the application be approved subject to conditions.

### **Officer's Recommendation**

That Council receive this report and note New Appeal No. 13 of 2018.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 5 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## **6 PE&CS - Planning Services - Land Use and Urban Design - Townsville City Plan - Development manual planning scheme policy review - Amendment Package 2019/01**

### **Executive Summary**

This report proposes an amendment to the Townsville City Plan's Schedule 6, SC6.4 - Development manual planning scheme policy, in accordance with the *Planning Act 2016*, Planning Regulation 2017 and Minister's Guidelines and Rules (July 2017).

The following is a summary of the key changes proposed:

- additional item under Design requisites and quality assurance guidelines for an erosion and sediment control plan;
- clarification on requirements for inter-allotment drainage for more than 5 lots, which must be contained within an easement in favour of Council to ensure Council infrastructure is easily accessible for maintenance;
- additional item specifying that commercial and industrial developments shall connect directly to the Council stormwater network rather than via inter-allotment drainage, to ensure that adequate drainage infrastructure is provided that is fit for purpose;
- additional requirement for as constructed plans for an erosion and sediment control plan to be submitted to Council prior to requesting the On-Maintenance inspection, as there has been inconsistency in the provision of plans to Council;
- update of Insurance and indemnity minimum cover in line with Australian insurance guidelines;
- updates to reflect latest standards; and
- general formatting and administrative corrections throughout the policy.

### **Officer's Recommendation**

1. That, pursuant to Chapter 3, Part 1 of the Minister's Guidelines and Rules 2017, made under the *Planning Act 2016*, Council resolve to make an amendment to SC6.4 Development manual planning scheme policy.
2. That, pursuant to Chapter 3, Part 1 of the Minister's Guidelines and Rules 2017, made under the *Planning Act 2016*, Council resolve to commence public consultation of the amendment to SC6.4 Development manual planning scheme policy for 20 business days.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 5 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## **7 Planning - Outcome of Appeal No. 257 of 2018, Brown v TCC, 42 Blackview Avenue, Black River**

### **Executive Summary**

An appeal was filed in the Planning and Environment Court in Townsville on 29 October 2018 against a decision by Council on 25 September 2018 to refuse a development application for Development Permit – Reconfiguring a Lot – Lot Creation – One into two on land located at 42 Blackview Avenue, Black River.

After a series of negotiations and mediations between the parties, the appeal resulted in a conditions package being agreed, with the Court issuing Final Orders on 20 June 2019.

This matter is now at an end.

### **Officer's Recommendation**

That Council receive this report and note the outcome of Appeal No 257 of 2018.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 5 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## **8 MCU19/0054, RAL19/0040, DBW19/0012 - Report - Council Report and Conditions - 70 The Strand, North Ward**

### **Executive Summary**

This combined development application seeks Council's approval for three assessable components being a material change of use to establish a two-storey food and drink outlet and seven-storey multiple dwelling, reconfiguring a lot to enable a one into two lot creation, and assessable building works to facilitate the demolition of the existing cultural heritage place established on the site. The application is proposed over land at 70 The Strand, North Ward, which is designated under the Townsville City Plan as being within the Strand Precinct of the Medium Density Residential Zone. Under the Townsville City Plan the material change of use and assessable building works components are impact assessable development, and the reconfiguring a lot component is code assessable development.

The proposal attracted four submissions during the public notification period. Two of the submissions supported the development, and two of the submissions objected to the development. Submission number two, made by Luke Filei, Director of Warburton Investments Pty Ltd as trustee for the Filei Family Trust, which is the owner of 71 The Strand, North Ward, objected to the proposed development on the following grounds:

1. privacy and overlooking concerns;
2. side setback encroachment;
3. scale and intensity of food and drink outlet;
4. insufficient parking;
5. waste storage location; and
6. exhaust and air-conditioning plant room location.

The applicant amended the design of the proposed development to address the concerns raised by the submitter. In particular, the setback of the multiple dwelling to the north-western boundary was increased to 3m. The submitter contacted Council via email on the 8 August 2019 indicating strong support for the proposal based on the revised plans provided by the applicant.

Submission number four, made by Mary Boyle of 355 Stanley Street, North Ward, objected to the proposed development on the following grounds:

1. exceedance of five storey height;
2. scale and intensity of food and drink outlet; and
3. insufficient parking.

Each of the matters raised in objection to the proposed development have been addressed within section 7 of this report.

The assessment of the application has identified that the proposed development will enhance the Strand precinct by providing a mixed-use development that creates vibrant street activity whilst protecting residential amenity. Furthermore, by locating the seven-storey multiple dwelling behind the two-storey food and drink outlet, it will enable a reduction in the bulk mass of the built form fronting the Strand and ensure that a pedestrian friendly streetscape is achieved. The overall scale and height of the multiple dwelling building is reflective of the surrounding built form despite being seven storeys in height.

Having regard to the applicable assessment benchmarks, the proposed development is considered to result in a positive outcome for the subject site and wider Townsville community, and accordingly it is recommended for approval subject to reasonable and relevant conditions.

### **Officer's Recommendation**

That Council approve application MCU19/0054, RAL19/0040, and DBW19/0012 for a development approval for Material Change of Use, Reconfiguring a Lot, and Assessable Building Works under the *Planning Act 2016* on land described as Lot 310 T 1181, more particularly 70 The Strand, North Ward, subject to the following conditions:

## **SCHEDULE OF CONDITIONS**

### **MATERIAL CHANGE OF USE (MULTIPLE DWELLING (1 x 2 BEDROOM AND 11 x 3 BEDROOM APARTMENTS) AND FOOD AND DRINK OUTLET)**

#### **1. Approved Plans and Supporting Documentation**

##### **Condition**

- a) The development must generally comply with the plan(s) *and supporting documentation* referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.



<b>Plan Name</b>	<b>Plan No.</b>	<b>Plan Date</b>
3D Visualisation – The Strand West	P2	August 2019
Plan – Site Plan	P4	August 2019
Plan – Semi Basement Level	P5	August 2019
Plan – Ground Level + Mezzanine Carpark	P6	August 2019
Plan – Level 1	P7	August 2019
Plan – Level 2 – 6	P8	August 2019
Plan – Level 7 Roof	P9	August 2019
Section – Long	P10	August 2019
Boundary Sections	P10 (b)	August 2019
Elevations	P11	August 2019
Elevations	P12	August 2019
Elevations	P13	August 2019
Photomontages	P14	August 2019
Aerial Photomontage	P15	August 2019
3D Visualisation – Kennedy Street North	P16	August 2019
Shading Analysis	P17	August 2019
Project Inspiration	P18	August 2019
3D Visualisation – The Strand South	P19	August 2019
3D Visualisation – Kennedy Street Aerial View	P20	August 2019
<b>Associated Reports</b>		
<i>Noise Impact Assessment, prepared by Dedicated Acoustics, Dated 3 June 2019</i>		
<i>Waste Management Plan, prepared by BNC Planning, Dated 3 June 2019</i>		
<i>Civil Engineering Services Report, written by Ken Miller of STP Consultants, Revision A, Dated 5 July 2019</i>		
<i>Water Supply Planning Report, prepared by DPM Water, Dated 15 July 2019</i>		

- b) One full set of the most up to date approved plans *and supporting documentation* must be held on site and available for inspection for the duration of the construction phase.
- c) *The recommendations outlined in the above reports/s must be implemented prior to the commencement of the use.*

#### **Reason**

The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

#### **Timing**

During the operation and life of the development.

## **2. Building Materials**

#### **Condition**

The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.

**Reason**

To ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**3. Property Numbering****Condition**

Legible property numbers must be erected at the premises and must be maintained.

The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.

**Reason**

To allow the general public, service and emergency service providers to effectively identify the property.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**4. Relocation of Services or facilities****Condition**

Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to Council.

**Reason**

To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.

**Timing**

Prior to the development achieving on maintenance or commencement of use.

**5. Electricity and Telecommunication****Condition**

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

**Reason**

To provide an appropriate level of electricity and telecommunication services for the development in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of use.

## 6. Car Parking

### Condition

- a) All car parking facilities, associated ramps, and driveways must be provided in accordance with Part 9.3.5 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of 23 on-site car parking spaces must be provided for the Multiple Dwelling use in accordance with *SC6.10 Parking rates planning scheme policy* of the Townsville City Plan.
- c) A minimum of five (5) on-street car parking spaces, including one disable parking space, must be provided along the Kennedy Street Frontage.
- d) The on-street disable car parking space must be designed in accordance with AS2890.5 or the latest standard, and ramps must be provided accordingly.

### Reason

To ensure the development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

### Timing

Technical details are to be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

## 7. Drying Facilities

### Condition

Clothes drying facilities must be provided and must be screened from public view in accordance with the Residential zone codes of Part 6.2 Residential zones category of the Townsville City Plan.

### Reason

To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

### Timing

Prior to the commencement of the use and maintained for the life of the development.

## 8. Letterboxes

### Condition

The location of the letter boxes on site must cater for the number of dwelling units within the development and must be designed in such a way that enhances community safety through discouraging crime and anti-social behaviour.

### Reason

To ensure that the premises is appropriately serviced in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**Advice**

A body corporate letterbox will be required where units will be strata titled.

**9. Sewerage Reticulation****Condition**

The development must connect to Council's reticulated sewer system, in particular:

- (a) The development must connect to the public sewer system in accordance with the recommendations of the accepted Engineering Report in Condition 1.
- (b) The developer must remove the existing combine drain, which currently services the properties at 70 and 71 The Strand.
- (c) A new sewer connection must be constructed to service 71 of The Strand in accordance Council standards.

**Reason**

To ensure that the premises are appropriately serviced by Council infrastructure where located in a service area for a sewerage service in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**10. Water Supply****Condition**

- (a) The development must connect to Council's reticulated water system.
- (b) The developer must construct the DN150 water main along the Kennedy Street frontage, in accordance with Council standards, from the DN150 AC main on The Strand and extended to the DN100 AC main on Mitchell Street.

**Reason**

To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction and the recommendations of the accepted Water Supply Planning Report in Condition 1.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**11. Screening of Balconies****Condition**

Detailed plans showing the precise location and materials to be used for the proposed fixed screening of all the north-western balconies associated with the Multiple Dwelling use must be submitted to Council for approval.

**Reason**

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with the relevant code/s and policy direction.

**Timing**

Technical details are to be provided as part of an application for Certificate of Compliance and maintained for the life of the development

**12. Screening of Plant and Utilities****Condition**

Unless otherwise agreed in writing by Council, all plant and utilities must be screened or located so as not to be visible from the street.

**Reason**

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**13. Footpath Awning****Condition**

A footpath awning/shade structure must be provided for the full frontage of the Food and Drink Outlet site.

**Reason**

Awnings/shade structures are to provide solar relief and to be designed in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Certificate of Compliance and maintained for the life of the development

**14. Hours of Operation****Condition**

Unless otherwise agreed in writing by Council, the activities associated with the Food and Drink Outlet use must only be conducted between 7am to 10pm Monday to Sunday inclusive.

**Reason**

To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

**Timing**

At all times following the commencement of the use.

## 15. Minimum Floor Levels and Access to the Underground Car Park

### Condition

- (a) Floor levels must achieve immunity from flood hazards by ensuring:
  - I. Floor levels of all non-habitable rooms are above the defined flood event level; and
  - II. Floor levels of all habitable rooms are 300mm above the defined flood event level, or above the defined storm tide event level of 4.5m AHD, whichever is greater. Residential buildings are 300mm above the defined flood event.
- (b) Underground car park access must be constructed 300 mm above the defined flood event level.
- (c) Documentation signed by a RPEQ must be submitted to a Building Certifier identifying the required minimum floor height of all habitable and, non-habitable rooms and levels for the access for underground car park to achieve flood immunity.

### Reason

To ensure the development is appropriately immune from flood water in accordance with relevant code/s and policy direction.

### Timing

Prior to the issuing of a Development Permit for Building Works.

## 16. Signage

### Condition

- a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Categories of development and assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to Council for assessment; and
- b) Signs must be designed in accordance with Part 9.3.1 Advertising devices code of the Townsville City Plan; and
- c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

### Reason

Signage not approved as part of this Development Permit or deemed either Accepted development or Accepted development subject to requirements will require a Code assessable Operational work development application to be lodged with Council in accordance with relevant code/s and policy direction.

### Timing

Prior to the commencement of the use.

### Advice

Signage has been included as a Plan Right development type, see Council's website for a list of accredited consultants that can assist with the submission of an application.

## 17. Soil Erosion Minimisation, Sediment Control

### Condition

Erosion and sediment control management must be installed and maintained in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

The contingent design, implementation and maintenance of measures must be provided in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.8.6 MUSIC modelling requirements of the Townsville City Plan.

### Reason

To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

### Timing

At all times during the construction phase.

## 18. Refuse Facilities

### Condition

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.3.6 Works code of the Townsville City Plan and in particular:

- a) The waste management plan titled *70 The Strand - Waste Management Plan* prepared by BNC Planning is approved. The waste management plan must be implemented during the commencement of the use. Any amendments to the plan must not be implemented until approval from Council is issued.
- b) The approved waste storage area for the Food and Drink Outlet use is to be of sufficient size to house all garbage bins including recycling bins. The developer must provide a storage area that is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection. The north-western boundary, inclusive of the waste storage area, for the Food and Drink Outlet must include a minimum 2.4m high (from ground level) acoustic fence. The area must be enclosed/ screened such that it is not visible from the street frontage.
- c) Unless otherwise approved by Council in writing, a bulk refuse facility must be provided for the Multiple Dwelling use due to the number of units associated with the development and lack of on-street access for collection of mobile garbage (wheelie) bins. The bulk refuse facility must be:
  - A suitable enclosure with concrete slab floor, with dimension which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front;
  - Within the curtilage of the premises in an accessible location to receive the service;
  - Graded and drained through an approved sediment/silt trap to legal sewer connection;
  - Provided with a hose cock and hose in close proximity to the enclosure;
  - Enclosure must be screened and not visible from any street frontage.

- d) The minimum overhead clearance required for refuse collection is 6.5 metres. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance must be maintained at all times.
- e) Collection of waste associated with the Food and Drink Outlet use is limited to 7am to 6pm.
- f) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

#### **Reason**

To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant code/s and policy direction.

#### **Timing**

Prior to commencement of the use and to be maintained for the life of the development.

### **19. Protection of Operational Airspace**

#### **Condition**

Development must obtain approval from the *Department of Defence* for permanent physical obstruction into the operational airspace to comply with PO1 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan.

#### **Reason**

To ensure the development does not have detrimental effect on the operation of airspace.

#### **Timing**

Prior to the commencement of the construction of the Food and Drink Outlet and Multiple Dwelling.

### **20. Noise Management**

#### **Condition**

- (a) A detailed "Plant" Noise Assessment for the multiple dwelling and food and drink outlet must be prepared in accordance with *SC6.4 Development manual planning scheme policy* of the Townsville City Plan and submitted to Council for approval.

*Note: - The assessment is to demonstrate that the noise emissions meet the noise criteria detailed in the acoustic report prepared by Dedicated Acoustics dated 3<sup>rd</sup> June 2019.*

- (b) A post-construction Acoustic Certification, prepared by a suitably qualified person who is accredited by The Association of Australasian Acoustic Consultants, must be submitted to Council. The certification must demonstrate that the conditions of this Development Approval relating to the noise have been achieved, and confirm the predicted noise levels specified in the report prepared by Dedicated Acoustics dated 3<sup>rd</sup> June 2019 including the supplementary noise assessment (condition 20(a)) have been achieved.



**Reason**

To ensure that the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

**Timing**

- (a) Technical details are to be submitted to Council as part of an application for Certificate of Compliance and maintained for the life of the development.
- (b) The post-construction Acoustic Certification must be submitted to Council within one (1) month from the commencement of the use.

**21. Odour Management****Condition**

An Odour Management Plan, prepared by a suitably qualified person, for the Food and Drink Outlet use must be submitted to Council for approval. The plan must demonstrate how the proposed extraction system is to be treated so that it does not result in odour nuisance to nearby sensitive receptors.

**Reason**

To ensure that the use does not cause an odour nuisance to nearby sensitive receptors.

**Timing**

Technical details are to be submitted to Council as part of an application for Certificate of Compliance and maintained for the life of the development.

**22. Outdoor Lighting****Condition**

Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in *Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

**Reason**

To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

**Timing**

Prior to commencement of the use and to be maintained for the life of the development.

**23. Light spillage****Condition**

Developer must ensure that the above ground car park will have no light spillage from it causing nuisance to the nearby properties.

**Reason**

To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

**Timing**

For the life of the development.

**24. Acid Sulphate Soils Management****Condition**

Soil and groundwater investigations must be conducted in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan to support the proposed earthworks. Should the soil and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils, an Acid Sulphate Soils Management Plan must be prepared and submitted to Council for approval.

**Reason**

To ensure potential adverse impacts on the natural and built environment including infrastructure and human health as a result of acid sulphate soils are avoided in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**25. Stormwater Drainage****Condition**

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the prescribed outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

**Reason**

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work and to be maintained for the life of the development.

**26. Vehicle Access****Condition**

- a) The new access driveway and crossover must be constructed from the Kennedy Street kerb and channel to the property boundary in accordance with Part 9.3.5 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan.
- b) During the construction phase, any damage to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with Council's standards.

**Reason**

To ensure development is appropriately serviced by access facilities in accordance with relevant code/s and policy direction.

**Timing**

To be submitted and approved by Council as part of an application for an Operational Works Permit and maintained for the life of the development.

**27. Additional Geotechnical Requirements****Condition**

The developer must provide a certification from an appropriately qualified and experienced geotechnical consultant certifying that the detailed engineering design for the use does not create unstable landforms within or external to the site.

**Reason**

The works include earth retaining structures 3.5m high and to confirm that the engineering design appropriately addresses risk and safety to people and properties are adequately managed.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**28. Reservation of Car Park for the Commercial Development****Condition**

The developer must reserve one (1) car parking space from the 23 car parking spaces of the Multiple Dwelling use and dedicate it for the Food and Drink Outlet use.

**Reason**

In accordance with the applicant's planning report.

**Timing**

To be maintained for the life of the development.

**29. Amended Drawings****Condition**

An amended drawing (digital copy in PDF format correctly scaled), incorporating the amended requirements as noted below, must be submitted to Council for approval.

Road reserve grading:

- (a) Demonstrate appropriate grading for a public pedestrian footpath area – i.e. the existing footpath in this area is generally even so any level changes required must be as gradual as possible.
- (b) Demonstrate suitable crossfall to all sections of the road reserve – i.e. 2.5% fall from property to back of kerb in accordance with policy SC6.4 Development manual planning scheme policy of the Townsville City Plan.

**Reason**

To ensure development is being constructed in accordance with accepted drawings that demonstrate due consideration for the surrounding conditions.

**Timing**

Technical details are to be submitted to Council as part of an application for Certificate of Compliance.

**30. Landscaping and Street Enhancements****Condition**

Detailed landscape and irrigation design plans must be prepared generally in accordance with the accepted landscape sketch design drawings, and provided to Council for approval in accordance with Part 9.3.3 Landscape code of the Townsville City Plan. Landscaping and Irrigation must be constructed in accordance with the with the approved landscaping plan(s) and constructed to the relevant standards in accordance with relevant code/s and policy direction.

**Reason**

To achieve the desired streetscape character of the location in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

**31. Service Deliveries and Refuse Collection****Condition**

Service vehicle activity and refuse collection is limited to the hours of 7am and 6pm, Monday to Saturday or as otherwise agreed, in writing, by Council.

**Reason**

To ensure that the use does not cause noise nuisance to nearby sensitive receptors.

**Timing**

During the operation and life of the development.

**32. Detailed Plans****Condition**

Detailed Plans of the final design of the *low feature wall* shown on the approved plan titled 'Plan – Ground Level + Mezzanine Carpark' must be provided to Council.

**Reason**

To ensure that the design of the development maintains community health, safety and amenity.

**Timing**

Technical details are to be provided as part of an application for Certificate of Compliance.

## Advice

### 1. Infrastructure Charges

#### Advice Condition

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

### 2. Water Restrictions

#### Advice Condition

- a) To manage Townsville's water resources, Council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;
- b) Developers remain responsible for compliance with any water restrictions as directed by Council;
- c) During times of significant water shortage, Council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- d) In circumstances where exemptions to water restrictions are no longer issued by Council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of "bonded fibre matrix" type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions.
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer; and
- f) All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

### 3. Further Approvals Required

#### Advice Condition

##### a) Operational Work

An Operational Work application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 6 – Car Parking  
Condition 9 – Sewerage Reticulation  
Condition 10 – Water Supply  
Condition 24 – Acid Sulphate Soils Management  
Condition 25 – Stormwater Drainage  
Condition 26 – Vehicle Access  
Condition 27 – Additional Geotechnical Requirements  
Condition 30 – Landscaping and Street Enhancements

All engineering, soil erosion and sediment control and landscaping designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experience person.

b) **Certificate of Compliance**

An application for Certificate of Compliance associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 11 – Screening of Balconies  
Condition 13 – Footpath Awning  
Condition 20 – Noise Management  
Condition 21 – Odour Management  
Condition 29 – Amended Drawings  
Condition 32 – Detailed Plans

c) **Plumbing and Drainage Works**

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

d) **Building Works**

A Development Permit for Building Works to carry out building works prior to works commencing on site.

e) **Road Works Permit**

A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.

f) **Operational work – Signage**

A Development Permit for Operational work is required for signage deemed to be code assessable in accordance with the Planning Scheme.

#### 4. **Further Inspections Required**

##### **Advice Condition**

##### **Compliance with Conditions**

The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.

- Condition 2 – Building Materials
- Condition 3 – Property Numbering
- Condition 7 – Drying Facilities
- Condition 8 – Letterboxes
- Condition 12 – Screening Plant and Utilities

## 5. Shop Fit Out

### Advice Condition

- a) Prior to any fit out of the intended food premises, an application for food licence including details on the fit out of the premises must be submitted to Council's Environmental Health Services. No fit out or construction may take place before approval is granted. A food premise is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.
- b) Where the premises is intended to be used for carrying out an Environmentally Relevant Activity (ERA) that has been devolved to Council, as defined in Schedule 2 of the *Environmental Protection Regulation 2008*, an application for development approval under the *Sustainable Act 2009* must be submitted to the relevant administering authority prior to the commencement of the activity. To operate an ERA, an Environmental Authority is required. The application for the DA is also taken to be the application for the Environmental Authority.

Maximum penalties may be imposed for operating an Environmentally Relevant Activity (ERA) without a development approval.

Further to this; to operate an ERA the operator needs to be a registered suitable operator. Applications for this can be submitted to local government with the EA application or can be sent direct to Department of Environment and Science (DES). DES assess all suitable operator applications.

Maximum penalties may be imposed for operating an EA as an unregistered operator.

## 6. Outdoor Dining

### Advice Condition

If an outdoor dining area is to be incorporated, a separate Outdoor Dining Licence application is required under the Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011.

## 7. Connection to Council Water Supply

### Advice Condition

A copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to Council's water supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

## 8. Connection to Council Sewer

### Advice Condition

A copy of this permit and the approved sewer reticulation design must be submitted to Council with the appropriate application form for connection to Council's sewer supply. Council will respond to the application with a quotation for the work upon payment will schedule the works for connection.

## 9. Storage of Materials and Machinery

### Advice Condition

All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by Council.

## 10. Building Work Noise

### Advice Condition

The hours of audible noise associated with construction and building work on site must be limited to between the hours of:

- 6.30 a.m. to 6.30 p.m. Monday to Saturday; with
- No work on Sundays or Public Holidays.

## 11. Specifications and Drawings

### Advice Condition

Details of Council's specifications and standard drawings can be viewed on Council's website.

## 12. Environmental Considerations

### Advice Condition

Department of Environment and Science requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## 13. Asbestos and Lead Paint

### Advice Condition

All asbestos being removed from the site must be transported and disposed in accordance with relevant legislation. Contact Workplace Health and Safety for further advice.

## 14. Roadworks Approval

### Advice Condition

The developer is responsible for obtaining a Roadworks permit in accordance with Subordinate Local Law No. 1.15 (Carry out Works or Interfering with a Road or its Operation) 2011 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must indicate the following:

- a) Completed Roadworks permit application form;
- b) Prescribed fee;
- c) Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform Traffic Control Devices (Queensland) Part 3 – Works on Roads.



If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to Council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to Council.

## 15. Defence Registration

### Advice Condition

Structure/s may require registration with the appropriate Civil Aviation and RAAF authorities.

## 16. Food Business

### Advice Condition

Where a food business is required to be licensed under the *Food Act 2006* Section 49, a Food Licence Application must be made prior to construction of the food premises.

Please contact Council's Environmental Health team on 13 48 10 for further information.

## 17. Amplified Music

### Advice Condition

The development involves amplified music from a licensed premise. Contact Queensland Liquor Licensing for further advice.

## SCHEDULE OF CONDITIONS

### RECONFIGURING A LOT (One (1) into Two (2) Lot Creation)

## 1. Approved Plans and Supporting Documentation

### Condition

- a) The development must generally comply with the plan(s) *and supporting documentation* referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Drawing No.	Revision No.	Plan Received Date
Proposal Plan	19163-PP-01	A	3 June 2019

- b) One full set of the most up to date approved plans *and supporting documentation* must be held on site and available for inspection for the duration of the construction phase.
- c) *The recommendations outlined in the above reports must be implemented prior to the signing of the Plan of Survey.*

### Reason

The development must comply with all planning scheme requirements as approved by this development permit.

**Timing**

During the operation and life of the development.

**2. Existing Street Trees****Condition**

Existing street trees located within the road reserve must not be damaged, removed, destroyed or lopped without the written consent of Council first being obtained.

**Reason**

To maintain streetscape outcomes in accordance with relevant code/s and policy direction.

**Timing**

Written consent from Council to be obtained prior to commencement of works.

**3. Water Supply (Public System)****Condition**

The development must be serviced by the public water supply. In particular, a reticulated water supply must be provided to the frontage of each lot within the proposed development and connected to Council's infrastructure in accordance with Part 9.3.4 Reconfiguring a lot code and Part 9.3.6 Works code of the Townsville City Plan.

**Reason**

To ensure that the development is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**Advice**

SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

**4. Sewerage Reticulation****Condition**

The development must be serviced by the public sewerage network. In particular, each new lot must be provided with a single property service and must be connected directly and separately to Council's sewer in accordance with Part 9.3.4 Reconfiguring a lot code and Part 9.3.6 Works code of the Townsville City Plan.

Developer must decommission the combine drain servicing properties 70 and 71 The Strand and provide a new sewer connection to the property 71 The Strand.

**Reason**

To ensure that the development is appropriately serviced by reticulated sewer infrastructure in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**Advice**

SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

**5. Confirmation of Existing Services****Condition**

The existing services for each lot must be contained within the individual allotments. Water meters must be contained within the individual lots at the property road frontage.

**Reason**

To ensure the development is appropriately serviced by public services and/or facilities in accordance with relevant code/s and policy direction.

**Timing**

Prior to the release of the Plan of Survey.

**6. Relocation of Utilities****Condition**

Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.

**Reason**

To ensure development is appropriately serviced by public services and/or facilities in accordance with relevant code/s and policy direction.

**Timing**

Prior to the release of the Plan of Survey.

**7. Soil Erosion Minimisation, Sediment Control****Condition**

During construction, the installation and maintenance of erosion and sediment control management must be provided in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

**Reason**

To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

**Timing**

SEMSC plans to be submitted to Council as part of an application for Operational Work and control measures maintained during the construction phase of the development.

**Advice**

The contingent design, implementation and maintenance of measures must be provided in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.8.7 Erosion and sediment control plans of the of the Townsville City Plan.

## 8. Minimum Lot Levels

### Condition

The finished level on all new allotments created within the development site must be above the 1% AEP flood.

Where works are required to achieve this immunity, a hydraulic report must be submitted that:

- determines these levels;
- identifies the works required to achieve this level of immunity; and
- demonstrates that the works have no impact on flooding of surrounding lots.

### Reason

To ensure lots are developed to be appropriately flood immune without impacting on surrounding lots in accordance with relevant code/s and policy direction.

### Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

## 9. Electricity and Telecommunications

### Condition

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

### Reason

To provide an appropriate level of electricity and telecommunication services for the development in accordance with relevant code/s and policy direction.

### Timing

Installation to be achieved prior to release of the Plan of Survey.

## 10. Stormwater Drainage

### Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the prescribed outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

### Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

### Timing

Technical details are to be submitted to Council as part of an application for Operational Work and to be maintained for the life of the development.

## Advice

### 1. Infrastructure Charges

#### Advice Condition

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

### 2. Water Restrictions

#### Advice Condition

- g) To manage Townsville's water resources, Council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;
- h) Developers remain responsible for compliance with any water restrictions as directed by Council;
- i) During times of significant water shortage, Council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- j) In circumstances where exemptions to water restrictions are no longer issued by Council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of "bonded fibre matrix" type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions;
- k) The responsibility for compliance with all relevant environmental protection requirements (in particular, sediment and erosion control) remains with the developer; and,
- l) All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

### 3. Further Approvals Required

#### Advice Condition

- a) **Plumbing and Drainage Works**  
A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works must be obtained from Council.
- b) **Operational Works**  
An Operational Work application must be submitted to Council for approval prior to works commencing on site, unless otherwise approved by Council.

All engineering, soil sediment and erosion control designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experienced person.

Submission of “As constructed” documentation in the Operational Work stage of development must appropriately denote and differentiate future private and public assets.

c) **Roadworks Approval**

A Roadworks Approval in accordance with Local Laws 4 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works must be obtained from Council. The application must include the following:

- (i) Completed Roadworks approval application form;
- (ii) Prescribed fee;
- (iii) Traffic Management Plan prepared by a suitably qualified traffic professional detailing the traffic management measures put in place to manage all roadworks including pedestrians, cyclists and vehicle in accordance with the Manual of Uniform Traffic Control Devices Part 3 – Works on Roads.

If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to Council for a letter of no objection prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to Council.

**4. Connection to Council Water Supply**

**Advice Condition**

A copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to Council’s water supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

**5. Connection to Council Sewer**

**Advice Condition**

A copy of this permit and the approved sewer reticulation design must be submitted to Council with the appropriate application form for connection to Council’s sewer supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

**6. Payment of Rates, Charges and Expenses**

**Advice Condition**

Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.

## 7. Satisfaction of Approval Conditions

### Advice Condition

- a) Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to Council signing the Plan of Survey.
- b) Council may, at its absolute discretion, agree to accept other forms of security to guarantee compliance with conditions to enable an early signing of a Plan of Survey.

## 8. Specifications and Drawings

### Advice Condition

Details of Council's specifications and standard drawings can be viewed on Council's website.

## SCHEDULE OF CONDITIONS

### IMPACT ASSESSABLE BUILDING WORK (Demolition of Local Cultural Heritage Place)

## 1. Approved Plans and Supporting Documentation

### Condition

- d) The development must generally comply with the plan(s) and supporting documentation referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Plan Date
Demolition Plan	S01-01	A	August 2019
<b>Associated Reports</b>			
<i>Heritage Values Assessment, prepared by Ray Holyoak of Holyoak Research, Version 1.0, Dated May 2019</i>			

- e) One full set of the most up to date approved plans and supporting documentation must be held on site and available for inspection for the duration of the construction phase.

### Reason

To comply with Character residential zone code of the Townsville City Plan.

### Timing

Prior to the issue of a Final Building Certificate.

## 2. Heritage Buildings

### Condition

Where demolition or relocation of a heritage building occurs, archival recording (such as a photographic record and measured drawings) in accordance with Part 8.2.4 Cultural heritage overlay code and SC6.3 Cultural heritage planning scheme policy of the Townsville City Plan, must be submitted to Council.

**Reason**

To identify and capture the unique qualities of a place, creating a permanent record to inform ongoing understanding of caring for heritage places.

**Timing**

To be submitted to Council within 1 month of the demolition or removal of the heritage building.

**Advice**

Guidelines for recording archival information of heritage places is provided by the Department of Environment and Science at <https://www.ehp.qld.gov.au/assets/documents/land/heritage/archival-recording-heritage-places.pdf>

**4. Further Approvals Required****Condition**

- a) An application for a Development Permit for Building Work is required for the proposed development. This application needs to be approved prior to any works commencing on the site.
- b) An application for Building Over / Near a Council Asset is required to be obtained from Council for works within the zone of influence of any Council sewer main prior to any works commencing onsite.

**Committee Recommendation**

That this item be deferred to the Ordinary Council meeting.

**9 Planning - Council Report - Planning Services Update****Executive Summary**

This report provides an update on the Planning Services section in terms of outlining its performance in relation to development assessment approval timeframes, the City Plan 2014 performance in facilitating development, the benchmarking of development application fees and other planning and development initiatives to facilitate economic development in the City.

The report information shows that the average assessment timeframes for applications is well below the statutory timeframes set by the State Government, our planning application fees are amongst the lowest in Queensland for similar sized Councils and that the City Plan 2014, since adoption, has reduced a significant amount of red tape for the industry. Further, the recent reduction in infrastructure charges for development and the soon to be implemented CBD development incentives package will attract further opportunities for investment in the City.

The Team Manager Planning Services provided a presentation at the meeting on the Planning Services update.

**Officer's Recommendation**

Report provided for Council's information.

**Committee Recommendation**

That the officer's recommendation be adopted.



## **Council Decision**

**Refer to resolution preceding item 5 of the Council minutes where Council resolved that the committee recommendation be adopted.**

### **10 Planning Services - New Appeal, Ronmar Rural Pty Ltd v TCC, No 77 of 2019, 7 -11 Heath Road and 812 and 840 Flinders Highway, Oak Valley**

#### **Executive Summary**

An appeal was filed in the Planning and Environment Court in Townsville on 2 May 2019 against Council's refusal of a development application for Material Change of Use – Undefined City Plan – Cattle Holding Yards with respect to land situated at 7 and 11 Heath Road, Oak Valley and 812 and 840 Flinders Highway, Oak Valley.

The appellant is seeking an order from the Court that the application be approved subject to lawful conditions.

#### **Officer's Recommendation**

1. That Council resolve to defend the refusal of the development application in Planning and Environment Court Appeal No. 77 of 2019.
2. That Council, under *Section 257 (1)(b) of the Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, in the event that a mutually acceptable settlement emerges relating to the above matter.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

## **Council Decision**

**Refer to resolution preceding item 5 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## **Community and Cultural Development Committee**

***It was MOVED by Councillor C Doyle, SECONDED by Councillor M Ryder:***

*"that the committee recommendations to items 11 and 12 be adopted."*

**CARRIED UNANIMOUSLY**

### **11 Planning Environmental and Cultural Services - Minutes of Art Acquisition Working Group 6 August 2019**

#### **Executive Summary**

Attached to the Report to Council are the minutes of the Art Acquisition Working Group Meeting held on Tuesday 6 August 2019

#### **Officer's Recommendation**

That Council note the minutes and endorse the recommendations of the Art Acquisition Working Group meeting of 6 August 2019. The recommendations are listed in the Report Information section of the Report to Council.

#### **Committee Recommendation**

1. That the officer's recommendation be adopted.
2. That a review of the Street Art Framework be undertaken to clearly define and articulate the process for handling non-commissioned independent street art projects for consideration for inclusion in the City of Townsville Art in Public Spaces Collection (Street Art Collection) and how these are defined in the Street Art Walking Trail .

#### **Council Decision**

**Refer to resolution preceding item 11 of the Council minutes where Council resolved that the committee recommendation be adopted.**

### **12 Community Development Townsville City Grants and Partnerships Report Grant Value Under \$5,000**

#### **Executive Summary**

Council recognises the vital contribution that community organisations make to the social, economic, community and cultural wellbeing of the Townsville community. Council provides community grants to support the creation, implementation and delivery of community initiatives that align with Council's corporate priorities and that demonstrate a positive contribution to improving the wellbeing of the Townsville community.

The following report outlines the Open Community Grants that were assessed by internal Subject Matter Experts for the period up to and including 16 August 2019 and approved by the Team Coordinator as per table 1 in the report. These grants are reported through to Council for noting. The list includes 2 applications received through the following program:

- » Social Grants and Partnerships (grant value up to and including \$5,000)

Of the 2 eligible applications that were received, all have been recommended for funding with the total value of \$9,154.48.

**Officer's Recommendation**

That Council note the grant funding for Townsville City Grants and Partnerships, all categories, for under \$5,000.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 11 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## **Governance and Finance Committee**

***It was MOVED by Councillor V Coombe, SECONDED by Councillor C Doyle:***

*"that the committee recommendations to items 13 to 16 be adopted."*

**CARRIED UNANIMOUSLY**

### **13 Legal Services - Governance Framework**

#### **Executive Summary**

The Governance Framework has been reviewed to align framework to the new corporate structure and Council initiatives.

#### **Officer's Recommendation**

That Council adopt the reviewed Governance Framework.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.**

### **14 Finance Services - Budget Variance Report - July 2019**

#### **Executive Summary**

This report outlines the progress that has been made in relation to the whole of Council budget for the 2019/20 financial year as at July 2019, pursuant to section 204 of the *Local Government Regulation 2012*.

#### **Officer's Recommendation**

That Council note the financial report for July 2019 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## **15 Finance Services - Treasury Report - July 2019**

### **Executive Summary**

This report is an internal treasury report to provide Council with information on cash, investments and debt. The report informs Council on its monthly cash position.

### **Officer's Recommendation**

That Council note the treasury report for July 2019 and the information contained therein.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## **16 Finance Services - Performance Management Report Quarter 4 2018-19**

### **Executive Summary**

A written assessment of Council's Corporate and Operational Plans is required on a quarterly basis. The Corporate Performance Report for Quarter 4 2018/19 is presented.

The importance of Quarter 4 is to demonstrate achievement of the annual 2018/19 deliverables at end of the financial year, 30 June 2019.

The Team Leader Business Partners tabled copies of the updated Corporate Performance Report for Quarter 4 2018/19 at the meeting.

### **Officer's Recommendation**

That Council receive the Corporate Performance Report for Quarter 4 2018/19, being the period 1 April to 30 June 2019.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.**

## Officers' Reports

### Infrastructure and Operations

#### 17 Townsville Water and Waste - Customer and Business Reporting - Quarter 4 2018/19

#### Executive Summary

The following Customer and Business Reports are submitted for Quarter 4, 2018/19:

1. Townsville Water Customer Service Standard Report Card;
2. Townsville Water Business Scorecard;
3. Townsville Waste Services Customer Service Standard Report Card; and
4. Townsville Waste Services Business Scorecard.

A summary of the results is provided in the Report Information section. Further detail can be found in the full versions of the four reports presented under separate cover.

#### Officer's Recommendation

1. That Council note the results of the Customer Service Standard Report Cards and Business Scorecards for Townsville Water and Townsville Waste Services for Quarter 4, 2018/19.
2. That Council note the publication of the Customer Service Standard Report Cards for Townsville Water and Townsville Waste Services for Quarter 4, 2018/19, which will be published on Council's public website as soon as practicable after noting.

#### Council Decision

It was **MOVED** by Councillor M Molachino, **SECONDED** by Councillor R Cook:

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

**In accordance with section 175E of the *Local Government Act 2009*, Councillors L Walker, R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars declared a perceived conflict of interest in regards to items 18 (and 8).**

- (a) the name of the Councillor who has a real conflict of interest or perceived conflict of interest in the matter;**

Councillors L Walker, R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars.

- (b) the Councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the Councillor;**

A third party submitter, Knight Frank Townsville, donated \$990 (on 19 April 2016) to the Team Jenny Hill election campaign (declared on the Team Jenny Hill ECQ disclosures on the ECQ website).

- (c) the decisions made under section 175E (4) and the reasons for the decisions;**

This item was referred to the Chief Executive Officer.

- (d) whether the Councillor participated in the meeting, or was present during the meeting, under an approval under section 175F ;**

This item was referred to the Chief Executive Officer.

- (e) if the Councillor voted on the matter—how the Councillor voted on the matter;**

This item was referred to the Chief Executive Officer.

- (f) how the majority of Councillors who were entitled to vote at the meeting voted on the matter.**

This item was referred to the Chief Executive Officer.

## Planning, Environmental and Cultural Services

### 18 MCU19/0054, RAL19/0040, DBW19/0012 - Report - Council Report and Conditions - 70 The Strand, North Ward

#### Executive Summary

This combined development application seeks Council's approval for three assessable components being a material change of use to establish a two-storey food and drink outlet and seven-storey multiple dwelling, reconfiguring a lot to enable a one (1) into two (2) lot creation, and assessable building works to facilitate the demolition of the existing cultural heritage place established on the site. The application is proposed over land at 70 The Strand, North Ward, which is designated under the Townsville City Plan as being within the Strand Precinct of the Medium Density Residential Zone. Under the Townsville City Plan the material change of use and assessable building works components are impact assessable development, and the reconfiguring a lot component is code assessable development.

The proposal attracted four (4) submissions during the public notification period. Two (2) of the submissions supported the development, and two (2) of the submissions objected to the development. Submission number two (2), made by Luke Filei, Director of Warburton Investments Pty Ltd as trustee for the Filei Family Trust, which is the owner of 71 The Strand, North Ward, objected to the proposed development on the following grounds:

1. privacy and overlooking concerns;
2. side setback encroachment;
3. scale and intensity of food and drink outlet;
4. insufficient parking;
5. waste storage location; and
6. exhaust and air-conditioning plant room location.

The applicant amended the design of the proposed development to address the concerns raised by the submitter. In particular, the setback of the multiple dwelling to the north-western boundary was increased to 3m. The submitter contacted Council via email on the 8 August 2019 indicating strong support for the proposal based on the revised plans provided by the applicant.

Submission number four (4), made by Mary Boyle of 355 Stanley Street, North Ward, objected to the proposed development on the following grounds:

1. exceedance of five storey height;
2. scale and intensity of food and drink outlet; and
3. insufficient parking.

Each of the matters raised in objection to the proposed development have been addressed within section 7 of this report.

The assessment of the application has identified that the proposed development will enhance the Strand precinct by providing a mixed-use development that creates vibrant street activity whilst protecting residential amenity. Furthermore, by locating the seven-storey multiple dwelling behind the two-storey food and drink outlet, it will enable a reduction in the bulk mass of the built form fronting the Strand and ensure that a pedestrian friendly streetscape is achieved. The overall scale and height of the multiple dwelling building is reflective of the surrounding built form despite being seven (7) storeys in height.

Having regard to the applicable assessment benchmarks, the proposed development is considered to result in a positive outcome for the subject site and wider Townsville community, and accordingly it is recommended for approval subject to reasonable and relevant conditions.

## Officer's Recommendation

That Council approve application MCU19/0054, RAL19/0040, and DBW19/0012 for a development approval for Material Change of Use, Reconfiguring a Lot, and Assessable Building Works under the *Planning Act 2016* on land described as Lot 310 T 1181, more particularly 70 The Strand, North Ward, subject to the following conditions:

### SCHEDULE OF CONDITIONS

#### MATERIAL CHANGE OF USE (MULTIPLE DWELLING (1 x 2 BEDROOM AND 11 x 3 BEDROOM APARTMENTS) AND FOOD AND DRINK OUTLET)

#### 1. Approved Plans and Supporting Documentation

##### Condition

- a) The development must generally comply with the plan(s) *and supporting documentation* referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Plan Date
3D Visualisation – The Strand West	P2	August 2019
Plan – Site Plan	P4	August 2019
Plan – Semi Basement Level	P5	August 2019
Plan – Ground Level + Mezzanine Carpark	P6	August 2019
Plan – Level 1	P7	August 2019
Plan – Level 2 – 6	P8	August 2019
Plan – Level 7 Roof	P9	August 2019
Section – Long	P10	August 2019
Boundary Sections	P10 (b)	August 2019
Elevations	P11	August 2019
Elevations	P12	August 2019
Elevations	P13	August 2019
Photomontages	P14	August 2019
Aerial Photomontage	P15	August 2019
3D Visualisation – Kennedy Street North	P16	August 2019
Shading Analysis	P17	August 2019
Project Inspiration	P18	August 2019
3D Visualisation – The Strand South	P19	August 2019
3D Visualisation – Kennedy Street Aerial View	P20	August 2019
<b>Associated Reports</b>		
<i>Noise Impact Assessment, prepared by Dedicated Acoustics, Dated 3 June 2019</i>		
<i>Waste Management Plan, prepared by BNC Planning, Dated 3 June 2019</i>		
<i>Civil Engineering Services Report, written by Ken Miller of STP Consultants, Revision A, Dated 5 July 2019</i>		
<i>Water Supply Planning Report, prepared by DPM Water, Dated 15 July 2019</i>		

- b) One full set of the most up to date approved plans *and supporting documentation* must be held on site and available for inspection for the duration of the construction phase.



- c) *The recommendations outlined in the above reports/s must be implemented prior to the commencement of the use.*

**Reason**

The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

**Timing**

During the operation and life of the development.

**2. Building Materials**

**Condition**

The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.

**Reason**

To ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**3. Property Numbering**

**Condition**

Legible property numbers must be erected at the premises and must be maintained.

The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.

**Reason**

To allow the general public, service and emergency service providers to effectively identify the property.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**4. Relocation of Services or facilities**

**Condition**

Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to Council.

**Reason**

To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.

**Timing**

Prior to the development achieving on maintenance or commencement of use.

## 5. Electricity and Telecommunication

### Condition

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

### Reason

To provide an appropriate level of electricity and telecommunication services for the development in accordance with relevant code/s and policy direction.

### Timing

Prior to the commencement of use.

## 6. Car Parking

### Condition

- a) All car parking facilities, associated ramps, and driveways must be provided in accordance with Part 9.3.5 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of 23 on-site car parking spaces must be provided for the Multiple Dwelling use in accordance with SC6.10 *Parking rates planning scheme policy* of the Townsville City Plan.
- c) A minimum of five (5) on-street car parking spaces, including one disable parking space, must be provided along the Kennedy Street Frontage.
- d) The on-street disable car parking space must be designed in accordance with AS2890.5 or the latest standard, and ramps must be provided accordingly.

### Reason

To ensure the development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

### Timing

Technical details are to be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

## 7. Drying Facilities

### Condition

Clothes drying facilities must be provided and must be screened from public view in accordance with the Residential zone codes of Part 6.2 Residential zones category of the Townsville City Plan.

### Reason

To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**8. Letterboxes****Condition**

The location of the letter boxes on site must cater for the number of dwelling units within the development and must be designed in such a way that enhances community safety through discouraging crime and anti-social behaviour.

**Reason**

To ensure that the premises is appropriately serviced in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**Advice**

A body corporate letterbox will be required where units will be strata titled.

**9. Sewerage Reticulation****Condition**

The development must connect to Council's reticulated sewer system, in particular:

- (a) The development must connect to the public sewer system in accordance with the recommendations of the accepted Engineering Report in Condition 1.
- (b) The developer must remove the existing combine drain, which currently services the properties at 70 and 71 The Strand.
- (c) A new sewer connection must be constructed to service 71 of The Strand in accordance Council standards.

**Reason**

To ensure that the premises are appropriately serviced by Council infrastructure where located in a service area for a sewerage service in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**10. Water Supply****Condition**

- (a) The development must connect to Council's reticulated water system.
- (b) The developer must construct the DN150 water main along the Kennedy Street frontage, in accordance with Council standards, from the DN150 AC main on The Strand and extended to the DN100 AC main on Mitchell Street.

**Reason**

To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction and the recommendations of the accepted Water Supply Planning Report in Condition 1.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**11. Screening of Balconies****Condition**

Detailed plans showing the precise location and materials to be used for the proposed fixed screening of all the north-western balconies associated with the Multiple Dwelling use must be submitted to Council for approval.

**Reason**

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with the relevant code/s and policy direction.

**Timing**

Technical details are to be provided as part of an application for Certificate of Compliance and maintained for the life of the development

**12. Screening of Plant and Utilities****Condition**

Unless otherwise agreed in writing by Council, all plant and utilities must be screened or located so as not to be visible from the street.

**Reason**

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use and maintained for the life of the development.

**13. Footpath Awning****Condition**

A footpath awning/shade structure must be provided for the full frontage of the Food and Drink Outlet site.

**Reason**

Awnings/shade structures are to provide solar relief and to be designed in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Certificate of Compliance and maintained for the life of the development

## 14. Hours of Operation

### Condition

Unless otherwise agreed in writing by Council, the activities associated with the Food and Drink Outlet use must only be conducted between 7am to 10pm Monday to Sunday inclusive.

### Reason

To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

### Timing

At all times following the commencement of the use.

## 15. Minimum Floor Levels and Access to the Underground Car Park

### Condition

- (a) Floor levels must achieve immunity from flood hazards by ensuring:
- I. Floor levels of all non-habitable rooms are above the defined flood event level; and
  - II. Floor levels of all habitable rooms are 300mm above the defined flood event level, or above the defined storm tide event level of 4.5m AHD, whichever is greater. Residential buildings are 300mm above the defined flood event.
- (b) Underground car park access must be constructed 300 mm above the defined flood event level.
- (c) Documentation signed by a RPEQ must be submitted to a Building Certifier identifying the required minimum floor height of all habitable and, non-habitable rooms and levels for the access for underground car park to achieve flood immunity.

### Reason

To ensure the development is appropriately immune from flood water in accordance with relevant code/s and policy direction.

### Timing

Prior to the issuing of a Development Permit for Building Works.

## 16. Signage

### Condition

- a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Categories of development and assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to Council for assessment; and
- b) Signs must be designed in accordance with Part 9.3.1 Advertising devices code of the Townsville City Plan; and
- c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

**Reason**

Signage not approved as part of this Development Permit or deemed either Accepted development or Accepted development subject to requirements will require a Code assessable Operational work development application to be lodged with Council in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use.

**Advice**

Signage has been included as a Plan Right development type, see Council's website for a list of accredited consultants that can assist with the submission of an application.

**17. Soil Erosion Minimisation, Sediment Control****Condition**

Erosion and sediment control management must be installed and maintained in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

The contingent design, implementation and maintenance of measures must be provided in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.8.6 MUSIC modelling requirements of the Townsville City Plan.

**Reason**

To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

**Timing**

At all times during the construction phase.

**18. Refuse Facilities****Condition**

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.3.6 Works code of the Townsville City Plan and in particular:

- a) The waste management plan titled *70 The Strand - Waste Management Plan* prepared by BNC Planning is approved. The waste management plan must be implemented during the commencement of the use. Any amendments to the plan must not be implemented until approval from Council is issued.
- b) The approved waste storage area for the Food and Drink Outlet use is to be of sufficient size to house all garbage bins including recycling bins. The developer must provide a storage area that is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection. The north-western boundary, inclusive of the waste storage area, for the Food and Drink Outlet must include a minimum 2.4m high (from ground level) acoustic fence. The area must be enclosed/ screened such that it is not visible from the street frontage.

- c) Unless otherwise approved by Council in writing, a bulk refuse facility must be provided for the Multiple Dwelling use due to the number of units associated with the development and lack of on-street access for collection of mobile garbage (wheelie) bins. The bulk refuse facility must be:
- A suitable enclosure with concrete slab floor, with dimension which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front;
  - Within the curtilage of the premises in an accessible location to receive the service;
  - Graded and drained through an approved sediment/silt trap to legal sewer connection;
  - Provided with a hose cock and hose in close proximity to the enclosure;
  - Enclosure must be screened and not visible from any street frontage.
- d) The minimum overhead clearance required for refuse collection is 6.5 metres. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance must be maintained at all times.
- e) Collection of waste associated with the Food and Drink Outlet use is limited to 7am to 6pm.
- f) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

**Reason**

To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant code/s and policy direction.

**Timing**

Prior to commencement of the use and to be maintained for the life of the development.

**19. Protection of Operational Airspace**

**Condition**

Development must obtain approval from the *Department of Defence* for permanent physical obstruction into the operational airspace to comply with PO1 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan.

**Reason**

To ensure the development does not have detrimental effect on the operation of airspace.

**Timing**

Prior to the commencement of the construction of the Food and Drink Outlet and Multiple Dwelling.

## 20. Noise Management

### Condition

- (a) A detailed "Plant" Noise Assessment for the multiple dwelling and food and drink outlet must be prepared in accordance with *SC6.4 Development manual planning scheme policy* of the Townsville City Plan and submitted to Council for approval.

*Note: - The assessment is to demonstrate that the noise emissions meet the noise criteria detailed in the acoustic report prepared by Dedicated Acoustics dated 3<sup>rd</sup> June 2019.*

- (b) A post-construction Acoustic Certification, prepared by a suitably qualified person who is accredited by The Association of Australasian Acoustic Consultants, must be submitted to Council. The certification must demonstrate that the conditions of this Development Approval relating to the noise have been achieved, and confirm the predicted noise levels specified in the report prepared by Dedicated Acoustics dated 3<sup>rd</sup> June 2019 including the supplementary noise assessment (condition 20(a)) have been achieved.

### Reason

To ensure that the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

### Timing

- (a) Technical details are to be submitted to Council as part of an application for Certificate of Compliance and maintained for the life of the development.
- (b) The post-construction Acoustic Certification must be submitted to Council within one (1) month from the commencement of the use.

## 21. Odour Management

### Condition

An Odour Management Plan, prepared by a suitably qualified person, for the Food and Drink Outlet use must be submitted to Council for approval. The plan must demonstrate how the proposed extraction system is to be treated so that it does not result in odour nuisance to nearby sensitive receptors.

### Reason

To ensure that the use does not cause an odour nuisance to nearby sensitive receptors.

### Timing

Technical details are to be submitted to Council as part of an application for Certificate of Compliance and maintained for the life of the development.

## 22. Outdoor Lighting

### Condition

Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in *Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*.



**Reason**

To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

**Timing**

Prior to commencement of the use and to be maintained for the life of the development.

**23. Light spillage****Condition**

Developer must ensure that the above ground car park will have no light spillage from it causing nuisance to the nearby properties.

**Reason**

To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

**Timing**

For the life of the development.

**24. Acid Sulphate Soils Management****Condition**

Soil and groundwater investigations must be conducted in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan to support the proposed earthworks. Should the soil and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils, an Acid Sulphate Soils Management Plan must be prepared and submitted to Council for approval.

**Reason**

To ensure potential adverse impacts on the natural and built environment including infrastructure and human health as a result of acid sulphate soils are avoided in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**25. Stormwater Drainage****Condition**

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the prescribed outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

**Reason**

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work and to be maintained for the life of the development.

**26. Vehicle Access****Condition**

- a) The new access driveway and crossover must be constructed from the Kennedy Street kerb and channel to the property boundary in accordance with Part 9.3.5 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan.
- b) During the construction phase, any damage to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with Council's standards.

**Reason**

To ensure development is appropriately serviced by access facilities in accordance with relevant code/s and policy direction.

**Timing**

To be submitted and approved by Council as part of an application for an Operational Works Permit and maintained for the life of the development.

**27. Additional Geotechnical Requirements****Condition**

The developer must provide a certification from an appropriately qualified and experienced geotechnical consultant certifying that the detailed engineering design for the use does not create unstable landforms within or external to the site.

**Reason**

The works include earth retaining structures 3.5m high and to confirm that the engineering design appropriately addresses risk and safety to people and properties are adequately managed.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**28. Reservation of Car Park for the Commercial Development****Condition**

The developer must reserve one (1) car parking space from the 23 car parking spaces of the Multiple Dwelling use and dedicate it for the Food and Drink Outlet use.

**Reason**

In accordance with the applicant's planning report.

**Timing**

To be maintained for the life of the development.

## 29. Amended Drawings

### Condition

An amended drawing (digital copy in PDF format correctly scaled), incorporating the amended requirements as noted below, must be submitted to Council for approval.

Road reserve grading:

- (a) Demonstrate appropriate grading for a public pedestrian footpath area – i.e. the existing footpath in this area is generally even so any level changes required must be as gradual as possible.
- (b) Demonstrate suitable crossfall to all sections of the road reserve – i.e. 2.5% fall from property to back of kerb in accordance with policy SC6.4 Development manual planning scheme policy of the Townsville City Plan.

### Reason

To ensure development is being constructed in accordance with accepted drawings that demonstrate due consideration for the surrounding conditions.

### Timing

Technical details are to be submitted to Council as part of an application for Certificate of Compliance.

## 30. Landscaping and Street Enhancements

### Condition

Detailed landscape and irrigation design plans must be prepared generally in accordance with the accepted landscape sketch design drawings, and provided to Council for approval in accordance with Part 9.3.3 Landscape code of the Townsville City Plan. Landscaping and Irrigation must be constructed in accordance with the with the approved landscaping plan(s) and constructed to the relevant standards in accordance with relevant code/s and policy direction.

### Reason

To achieve the desired streetscape character of the location in accordance with relevant code/s and policy direction.

### Timing

Technical details are to be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

## 31. Service Deliveries and Refuse Collection

### Condition

Service vehicle activity and refuse collection is limited to the hours of 7am and 6pm, Monday to Saturday or as otherwise agreed, in writing, by Council.

### Reason

To ensure that the use does not cause noise nuisance to nearby sensitive receptors.

### Timing

During the operation and life of the development.

## 32. Detailed Plans

### Condition

Detailed Plans of the final design of the *low feature wall* shown on the approved plan titled 'Plan – Ground Level + Mezzanine Carpark' must be provided to Council.

### Reason

To ensure that the design of the development maintains community health, safety and amenity.

### Timing

Technical details are to be provided as part of an application for Certificate of Compliance.

## Advice

### 1. Infrastructure Charges

#### Advice Condition

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

### 2. Water Restrictions

#### Advice Condition

- a) To manage Townsville's water resources, Council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;
- b) Developers remain responsible for compliance with any water restrictions as directed by Council;
- c) During times of significant water shortage, Council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- d) In circumstances where exemptions to water restrictions are no longer issued by Council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of "bonded fibre matrix" type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions.
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer; and
- f) All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

### 3. Further Approvals Required

#### Advice Condition

##### a) Operational Work

An Operational Work application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 6 – Car Parking  
Condition 9 – Sewerage Reticulation  
Condition 10 – Water Supply  
Condition 24 – Acid Sulphate Soils Management  
Condition 25 – Stormwater Drainage  
Condition 26 – Vehicle Access  
Condition 27 – Additional Geotechnical Requirements  
Condition 30 – Landscaping and Street Enhancements

All engineering, soil erosion and sediment control and landscaping designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experience person.

##### b) Certificate of Compliance

An application for Certificate of Compliance associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 11 – Screening of Balconies  
Condition 13 – Footpath Awning  
Condition 20 – Noise Management  
Condition 21 – Odour Management  
Condition 29 – Amended Drawings  
Condition 32 – Detailed Plans

##### c) Plumbing and Drainage Works

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

##### d) Building Works

A Development Permit for Building Works to carry out building works prior to works commencing on site.

##### e) Road Works Permit

A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.

##### f) Operational work – Signage

A Development Permit for Operational work is required for signage deemed to be code assessable in accordance with the Planning Scheme.

#### 4. Further Inspections Required

##### Advice Condition

###### Compliance with Conditions

The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.

- Condition 2 – Building Materials
- Condition 3 – Property Numbering
- Condition 7 – Drying Facilities
- Condition 8 – Letterboxes
- Condition 12 – Screening Plant and Utilities

#### 5. Shop Fit Out

##### Advice Condition

- a) Prior to any fit out of the intended food premises, an application for food licence including details on the fit out of the premises must be submitted to Council's Environmental Health Services. No fit out or construction may take place before approval is granted. A food premise is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.
- b) Where the premises is intended to be used for carrying out an Environmentally Relevant Activity (ERA) that has been devolved to Council, as defined in Schedule 2 of the *Environmental Protection Regulation 2008*, an application for development approval under the *Sustainable Act 2009* must be submitted to the relevant administering authority prior to the commencement of the activity. To operate an ERA, an Environmental Authority is required. The application for the DA is also taken to be the application for the Environmental Authority.

Maximum penalties may be imposed for operating an Environmentally Relevant Activity (ERA) without a development approval.

Further to this; to operate an ERA the operator needs to be a registered suitable operator. Applications for this can be submitted to local government with the EA application or can be sent direct to Department of Environment and Science (DES). DES assess all suitable operator applications.

Maximum penalties may be imposed for operating an EA as an unregistered operator.

#### 6. Outdoor Dining

##### Advice Condition

If an outdoor dining area is to be incorporated, a separate Outdoor Dining Licence application is required under the Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011.

#### 7. Connection to Council Water Supply

##### Advice Condition

A copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to Council's water supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

## 8. Connection to Council Sewer

### Advice Condition

A copy of this permit and the approved sewer reticulation design must be submitted to Council with the appropriate application form for connection to Council's sewer supply. Council will respond to the application with a quotation for the work upon payment will schedule the works for connection.

## 9. Storage of Materials and Machinery

### Advice Condition

All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by Council.

## 10. Building Work Noise

### Advice Condition

The hours of audible noise associated with construction and building work on site must be limited to between the hours of:

- 6.30 a.m. to 6.30 p.m. Monday to Saturday; with
- No work on Sundays or Public Holidays.

## 11. Specifications and Drawings

### Advice Condition

Details of Council's specifications and standard drawings can be viewed on Council's website.

## 12. Environmental Considerations

### Advice Condition

Department of Environment and Science requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## 13. Asbestos and Lead Paint

### Advice Condition

All asbestos being removed from the site must be transported and disposed in accordance with relevant legislation. Contact Workplace Health and Safety for further advice.

## 14. Roadworks Approval

### Advice Condition

The developer is responsible for obtaining a Roadworks permit in accordance with Subordinate Local Law No. 1.15 (Carry out Works or Interfering with a Road or its Operation) 2011 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must indicate the following:

- a) Completed Roadworks permit application form;
- b) Prescribed fee;

- c) Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform Traffic Control Devices (Queensland) Part 3 – Works on Roads.

If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to Council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to Council.

## 15. Defence Registration

### Advice Condition

Structure/s may require registration with the appropriate Civil Aviation and RAAF authorities.

## 16. Food Business

### Advice Condition

Where a food business is required to be licensed under the *Food Act 2006* Section 49, a Food Licence Application must be made prior to construction of the food premises.

Please contact Council's Environmental Health team on 13 48 10 for further information.

## 17. Amplified Music

### Advice Condition

The development involves amplified music from a licensed premise. Contact Queensland Liquor Licensing for further advice.

## SCHEDULE OF CONDITIONS

### RECONFIGURING A LOT (One (1) into Two (2) Lot Creation)

## 1. Approved Plans and Supporting Documentation

### Condition

- a) The development must generally comply with the plan(s) *and supporting documentation* referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Drawing No.	Revision No.	Plan Received Date
Proposal Plan	19163-PP-01	A	3 June 2019

- b) One full set of the most up to date approved plans *and supporting documentation* must be held on site and available for inspection for the duration of the construction phase.



- c) *The recommendations outlined in the above reports must be implemented prior to the signing of the Plan of Survey.*

**Reason**

The development must comply with all planning scheme requirements as approved by this development permit.

**Timing**

During the operation and life of the development.

**2. Existing Street Trees**

**Condition**

Existing street trees located within the road reserve must not be damaged, removed, destroyed or lopped without the written consent of Council first being obtained.

**Reason**

To maintain streetscape outcomes in accordance with relevant code/s and policy direction.

**Timing**

Written consent from Council to be obtained prior to commencement of works.

**3. Water Supply (Public System)**

**Condition**

The development must be serviced by the public water supply. In particular, a reticulated water supply must be provided to the frontage of each lot within the proposed development and connected to Council's infrastructure in accordance with Part 9.3.4 Reconfiguring a lot code and Part 9.3.6 Works code of the Townsville City Plan.

**Reason**

To ensure that the development is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**Advice**

SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

**4. Sewerage Reticulation**

**Condition**

The development must be serviced by the public sewerage network. In particular, each new lot must be provided with a single property service and must be connected directly and separately to Council's sewer in accordance with Part 9.3.4 Reconfiguring a lot code and Part 9.3.6 Works code of the Townsville City Plan.

Developer must decommission the combine drain servicing properties 70 and 71 The Strand and provide a new sewer connection to the property 71 The Strand.

**Reason**

To ensure that the development is appropriately serviced by reticulated sewer infrastructure in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**Advice**

*SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.*

**5. Confirmation of Existing Services****Condition**

The existing services for each lot must be contained within the individual allotments. Water meters must be contained within the individual lots at the property road frontage.

**Reason**

To ensure the development is appropriately serviced by public services and/or facilities in accordance with relevant code/s and policy direction.

**Timing**

Prior to the release of the Plan of Survey.

**6. Relocation of Utilities****Condition**

Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.

**Reason**

To ensure development is appropriately serviced by public services and/or facilities in accordance with relevant code/s and policy direction.

**Timing**

Prior to the release of the Plan of Survey.

**7. Soil Erosion Minimisation, Sediment Control****Condition**

During construction, the installation and maintenance of erosion and sediment control management must be provided in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

**Reason**

To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

**Timing**

SEMSC plans to be submitted to Council as part of an application for Operational Work and control measures maintained during the construction phase of the development.

**Advice**

The contingent design, implementation and maintenance of measures must be provided in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.8.7 Erosion and sediment control plans of the of the Townsville City Plan.

**8. Minimum Lot Levels****Condition**

The finished level on all new allotments created within the development site must be above the 1% AEP flood.

Where works are required to achieve this immunity, a hydraulic report must be submitted that:

- determines these levels;
- identifies the works required to achieve this level of immunity; and
- demonstrates that the works have no impact on flooding of surrounding lots.

**Reason**

To ensure lots are developed to be appropriately flood immune without impacting on surrounding lots in accordance with relevant code/s and policy direction.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work.

**9. Electricity and Telecommunications****Condition**

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

**Reason**

To provide an appropriate level of electricity and telecommunication services for the development in accordance with relevant code/s and policy direction.

**Timing**

Installation to be achieved prior to release of the Plan of Survey.

**10. Stormwater Drainage****Condition**

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the prescribed outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

**Reason**

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

**Timing**

Technical details are to be submitted to Council as part of an application for Operational Work and to be maintained for the life of the development.

## Advice

### 1. Infrastructure Charges

#### Advice Condition

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

### 2. Water Restrictions

#### Advice Condition

- g) To manage Townsville's water resources, Council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;
- h) Developers remain responsible for compliance with any water restrictions as directed by Council;
- i) During times of significant water shortage, Council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- j) In circumstances where exemptions to water restrictions are no longer issued by Council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of "bonded fibre matrix" type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions;
- k) The responsibility for compliance with all relevant environmental protection requirements (in particular, sediment and erosion control) remains with the developer; and,
- l) All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

### 3. Further Approvals Required

#### Advice Condition

- a) **Plumbing and Drainage Works**  
A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works must be obtained from Council.
- b) **Operational Works**  
An Operational Work application must be submitted to Council for approval prior to works commencing on site, unless otherwise approved by Council.

All engineering, soil sediment and erosion control designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experienced person.

Submission of "As constructed" documentation in the Operational Work stage of development must appropriately denote and differentiate future private and public assets.

c) **Roadworks Approval**

A Roadworks Approval in accordance with Local Laws 4 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works must be obtained from Council. The application must include the following:

- (i) Completed Roadworks approval application form;
- (ii) Prescribed fee;
- (iii) Traffic Management Plan prepared by a suitably qualified traffic professional detailing the traffic management measures put in place to manage all roadworks including pedestrians, cyclists and vehicle in accordance with the Manual of Uniform Traffic Control Devices Part 3 – Works on Roads.

If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to Council for a letter of no objection prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to Council.

**4. Connection to Council Water Supply**

**Advice Condition**

A copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to Council's water supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

**5. Connection to Council Sewer**

**Advice Condition**

A copy of this permit and the approved sewer reticulation design must be submitted to Council with the appropriate application form for connection to Council's sewer supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

**6. Payment of Rates, Charges and Expenses**

**Advice Condition**

Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.

## 7. Satisfaction of Approval Conditions

### Advice Condition

- a) Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to Council signing the Plan of Survey.
- b) Council may, at its absolute discretion, agree to accept other forms of security to guarantee compliance with conditions to enable an early signing of a Plan of Survey.

## 8. Specifications and Drawings

### Advice Condition

Details of Council's specifications and standard drawings can be viewed on Council's website.

## SCHEDULE OF CONDITIONS

### IMPACT ASSESSABLE BUILDING WORK (Demolition of Local Cultural Heritage Place)

## 1. Approved Plans and Supporting Documentation

### Condition

- d) The development must generally comply with the plan(s) and supporting documentation referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Plan Date
Demolition Plan	S01-01	A	August 2019
<b>Associated Reports</b>			
<i>Heritage Values Assessment, prepared by Ray Holyoak of Holyoak Research, Version 1.0, Dated May 2019</i>			

- e) One full set of the most up to date approved plans and supporting documentation must be held on site and available for inspection for the duration of the construction phase.

### Reason

To comply with Character residential zone code of the Townsville City Plan.

### Timing

Prior to the issue of a Final Building Certificate.

## 2. Heritage Buildings

### Condition

Where demolition or relocation of a heritage building occurs, archival recording (such as a photographic record and measured drawings) in accordance with Part 8.2.4 Cultural heritage overlay code and SC6.3 Cultural heritage planning scheme policy of the Townsville City Plan, must be submitted to Council.

**Reason**

To identify and capture the unique qualities of a place, creating a permanent record to inform ongoing understanding of caring for heritage places.

**Timing**

To be submitted to Council within 1 month of the demolition or removal of the heritage building.

**Advice**

Guidelines for recording archival information of heritage places is provided by the Department of Environment and Science at <https://www.ehp.qld.gov.au/assets/documents/land/heritage/archival-recording-heritage-places.pdf>

**4. Further Approvals Required****Condition**

- a) An application for a Development Permit for Building Work is required for the proposed development. This application needs to be approved prior to any works commencing on the site.
- b) An application for Building Over / Near a Council Asset is required to be obtained from Council for works within the zone of influence of any Council sewer main prior to any works commencing onsite.

**Council Decision**

**It was MOVED by Councillor A Greaney, SECONDED by Councillor M Soars:**

"that this item be referred to the Chief Executive Officer under Section 257 of the *Local Government Act 2009*."

**CARRIED UNANIMOUSLY**

## **General Business**

### **(i) Nik Mitchell - Selected in under 16 Australian team for Rugby Union**

Councillor L Walker congratulated former Townsville Grammar School student, Nik Mitchell for being selected in the under 16 Australian team for Rugby Union.

### **(ii) Kirwan State High School Bears - National Rugby League School Boys Cup national title**

Councillor R Cook congratulated the Kirwan State High School Bears for winning the National Rugby League School Boys Cup national title recently.

### **(iii) Invitation to Councillor L Walker - Australia New Zealand Trade Mission to China**

The Chief Executive Officer advised of an invitation to Councillor L Walker to attend a trade mission being held in October 2019. Councillor L Walker referred to the invitation from the Australia New Zealand Trade Mission to China to attend the October Expo and Forums Trade Mission to China 2019. Councillor Walker provided details of the trade mission and advised that it is at no cost to Council.

#### **Council decision**

**It was MOVED by Councillor M Soars, SECONDED by Councillor K Rehbein:**

"that Council approve for Councillor L Walker to attend the October Expo and Forums Trade Mission to China 2019."

**CARRIED UNANIMOUSLY**

### **(iv) Mel Holland**

Councillor K Rehbein paid tribute to Mel Holland which included acknowledging the service he provided to the community, particularly for the Canine Obedience Club.

## **Close of Meeting**

The Chair, Councillor L Walker declared the meeting closed at 2.56pm.

**CONFIRMED this TWENTY-SECOND day of OCTOBER 2019**

**MAYOR**

**CHIEF EXECUTIVE OFFICER**